

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

### **Planning Board Report**

To: Auburn Planning Board

From: Eric J. Cousens, Director of Planning and Permitting

Re: Lot 3-Taylor Pond Estates

Date: October 8, 2013

#### PROPOSAL

The applicant, Michael Gotto , agent for Steven and Amy Morse, is seeking approval modify the building envelope and buffer area northwest side of lot 3, affecting Parcel IDs 266-050 and 266-033, on the Taylor Pond Estates Subdivision Plan, pursuant to Chapter 60, Article XVI, Division 4 – Subdivision of the City of Auburn Ordinances.

#### PROJECT HISTORY:

The Planning Board approved the subdivision 21 years ago at the October 13, 1992 meeting.

#### PROPOSAL OVERVIEW:

The current proposal to modify the buffer and building envelope is to accommodate a building expansion at the northwest side of lot 3. The original proposal included a 75' buffer from the drainage way. At the time of approval, the drainage way was labeled on the plans as a stream. Maine DEP has since confirmed that it does not meet the definition of a stream and is an intermittent rip-rap drainage ditch. The 75' buffer shown on the original plans is consistent with NRPA setback requirements for a stream, however, NRPA does not require a setback from a drainage way. The setback was also required locally as part of the phosphorus plan approval for development of the lots within the subdivision. The applicant has submitted an updated phosphorus plan for Lot 3 and the proposal still complies with the phosphorus management ordinance. Under current standards the approval of a reduced buffer still complies with local and State requirements.

The reduced buffer would change from 75' to 69' from the drainage way at the back corner of the carport. The building envelope would result in no net change to the common area as the acquired land area will equal the land area given to the association. Deeds for the land to be transferred have not been drafted but the survey descriptions are shown on the plans. Staff recommends that any approval be conditioned on providing recorded copies of the deeds and/or plans to the City within 60 days of approval.

#### DEPARTMENT REVIEW

##### Police Department:

No Concerns

Fire Department:

No Concerns

Water and Sewer District:

No Concerns

Engineering Department:

Phosphorus plan complies with the ordinance. No Concerns

FINDINGS FOR SUBDIVISION REVIEW:

Staff has considered the subdivision guidelines and opines that the existing subdivision and the proposed amendment meet the requirements. It is recommended that the Planning Board consider the following findings and modify them as the Board deems necessary:

- a. The proposed subdivision will not result in undue water, air or noise pollution. In making this determination the Board has considered the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations. The current proposal does not change this finding.
- b. Has sufficient water available for the reasonably foreseeable needs of the subdivision. Public water is available in adequate supply. The current proposal does not change this finding.
- c. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized: The Water district has confirmed this.
- d. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. The current proposal does not change this finding.
- e. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed. The current proposal does not change this finding.
- f. Will provide for adequate sewage waste disposal: City sewerage service is available and adequate.
- g. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized. The current proposal does not change this finding.
- h. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. The current proposal does not change this finding.
- i. The proposal is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, and future land use plan.
- j. The subdivider has adequate financial and technical capacity to meet the above stated standards.
- k. The subdivision will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application.

- l. The provisions for on site landscaping are adequate to screen neighboring properties from unsightly features of the development.
- m. The proposed development will not create a fire hazard and has provided adequate access to the site for emergency vehicles.
- n. The proposal will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- o. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.

RECOMMENDATION:

Based upon the findings noted above, Staff recommends that the Planning Board approve the request of applicant, Michael Gotto, agent for Steven and Amy Morse, for a minor modification of the Taylor Pond Estates Subdivision, affecting Parcel IDs 266-050 and 266-033, pursuant to Chapter 60, Article XVI, Division 4 – Subdivision of the City of Auburn Ordinances, with the following conditions:

- A. The applicant shall provide copies of the deeds transferring property between lot 3 and the open space within 60 days of approval.
- B. Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning Board in connection with the subdivision proposal.

Eric Cousens  
Director of Planning and Permitting